

REMARKS

The Applicants acknowledge the Office Action of March 22, 2005 with appreciation. Claims 14-26 are pending in the application and are presently under examination.

To begin, the Office rejects Claims 14-26 under 35 U.S.C. § 112, second paragraph, for failing to claim with particularity. The Office concludes that the claims are replete with vague and indefinite language and provides several examples.

The Applicants have carefully reviewed the claim language and have extensively rewritten the claims to comply with the Office requirement. The Applicants currently amend Claims 14-26 as set forth in the instant Listing of Claims. The Applicants assert that no new matter within the meaning of 35 U.S.C. § 132, has been introduced into the claims.

The Office rejects claims 14-26 under 35 U.S.C. § 112, second paragraph, for failing to claim with particularity and provides specific examples of indefiniteness with respect to claim language. The Applicants address the specific examples of indefiniteness which the Office highlights in the instant Action.

To begin, the Office requests clarification as to the function of the return translation means. The Applicants include language to clarify that the returned translation means is comprised of a deformable elastomeric membrane, a definition recited in the Specification at page 4, line 24, which has a calibrated opening and which is for performing a reciprocating movement with respect to the reservoir which, in cooperation with a thrust means, releases the objects to a receptacle.

The Office requests definition of a "flexible shape memory membrane". With the instant amendment, the language is removed. The Applicants rely on the clarifying language, "deformable elastomer membrane" to define the membrane characteristics of the return translation means.

The Office requests recitation of the function of the thrust means. Claim 14 is currently amended to set forth that the thrust means, indicated as element (18) cooperates with the returned translation means to release objects to the receptacle. Furthermore, dependent Claim 15 defines the thrust means as a fixed element which functions to push the object to be dispensed. The Applicants currently amend Claim 15 to add clarifying language to specify that the objects are dispensed as the returned translation means (12) moves closer to the fixed element.

The Applicants currently amend Claim 14 to restructure the claim to more clearly relate the structural and operational relationships between the various elements. The Applicants submit that the instant amendment of Claim 14 provides the requested definition.

The Office provides an example of indefiniteness in Claim 17, at line 2. Claim 17 is currently amended to further define the returned translation means in terms of its form and function. The returned translation means is in the form of a flexible cup, and comprised of a flexible membrane that is deformed elastically when a force is applied to allow reciprocating translational movement. Support for the amendment may be found at page 7 and page 12 of the instant Specification.

Claim 19 is currently amended to remove the language "more or less" and to add language to clarify that the opening in the returned translation means is calibrated.

To address the Office objections to Claim 20, the Applicants amend Claim 20 to add language to define the point of the fixed element. Support for the amendment for this description, as having a concavity tailored to the shape and size of the object to be dispensed, may be found in the instant Specification at page 8, line 25.

The Office requests clarification with regard to the relationship of the outlet passage and the calibrated opening of Claim 22. With the instant Response, Claim 22 is amended to clarify that the outlet passage is defined by the interior face of the returned translation means (12) and the exterior surface (19) of the fixed element. This is distinct from the calibrated opening (17). The relationship of these elements is disclosed in the instant Specification at page 8, line 31. To more clearly distinguish these elements, the structural relationship of the calibrated opening is more clearly defined in the instantly amended Claim 14, as being an opening in the returned translation means. The Applicants submit that the amendments to Claims 14 and 22 provide the requested distinction between the outlet passage and the calibrated opening in the returned translation means.

In Claim 23, the Office finds ambiguity as to the relationship of the receptacle and the body forming a reservoir recited in Claim 14. The Applicants currently amend Claim 14 to add the receptacle component to the functional elements of the instant device in listed Claim 14 and which further distinguishes the receptacle (23) from the body forming a reservoir (2). The instant amendment to dependent Claim 23 further defines the utility of the receptacle, to receive the dispensed objects and also function as a cap.

The Applicants submit that the instant amendment to the claims obviates the rejection under 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection is respectfully solicited.

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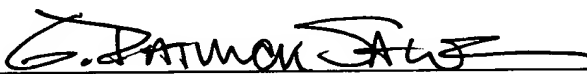
Accordingly, entry of the present amendment, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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Enclosure: Listing of Claims and Postal Card Receipt.

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**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY
FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO
OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY
OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.**